

# IAN BURNS & ASSOCIATES P.C.

Intellectual Property Law

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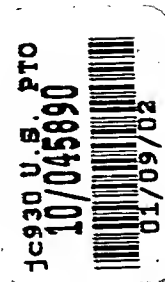
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\*Admitted in U.S. Patent and Trademark Office  
†Admitted in California, Hawaii & Nevada  
‡Admitted in Illinois and Nevada  
\*Admitted in California

January 8, 2002

Box PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, DC 20231



*In re application of: Roger Rogalski*  
*Title: GRAFT DEVICE AND METHODS OF USE*  
*Attorney docket number: 521.515 Rogalski.UA-ACL Graft Guard*

Dear Sir:

The following is/are submitted to the Patent and Trademark Office for appropriate action:

1. A Utility Patent Application.
2. Eight (8) sheets of drawings.
3. A Utility Patent Application Transmittal.
4. A Declaration for Utility Patent Application.
5. A Fee Transmittal form.
6. A Credit Card Payment Form.
7. A return receipt postcard.

Cordially yours,

Roland J. Tong  
Registration Number: 47,140

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## CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

### MAILING

- ☐ Deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

### FACSIMILE

- ☐ Transmitted by facsimile to the Patent and Trademark Office.

\_\_\_\_\_  
Signature

Date: \_\_\_\_\_

\_\_\_\_\_  
Name

Please type a plus sign (+) inside this box



Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
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PTO/SB/05 (11-00)

# UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No. 521.515

First Inventor Roger Rogalski

Title GRAFT DEVICE AND METHOD OF USE

Express Mail Label No. ET607788155US

(Only for new nonprovisional applications under 37 CFR 1.53(b))

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 23]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 8]
5. Oath or Declaration [Total Pages 2]
  - a. ☒ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
    - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

## ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No.: /

Prior application information:

Examiner

Group Art Unit:

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

21,707  
(Insert Customer No. or Attach bar code label here)

or ☐ Correspondence address below

Name

Address

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

Rolando J. Tong

Registration No. (Attorney/Agent) 47,140

Signature

*R. Tong*

Date

1/8/02

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

# FEE TRANSMITTAL

## for FY 2000

*Patent fees are subject to annual revision.  
Small Entity payments must be supported by a small entity statement,  
otherwise large entity fees must be paid. See Forms PTO/SB/09-12.  
See 37 C.F.R. §§ 1.27 and 1.28.*

**TOTAL AMOUNT OF PAYMENT** (\$583.00)

### Complete if Known

|                      |                |
|----------------------|----------------|
| Application Number   |                |
| Filing Date          |                |
| First Named Inventor | Roger Rogalski |
| Examiner Name        |                |
| Group / Art Unit     |                |
| Attorney Docket No.  | 521.515        |

### METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 50,0914

Deposit Account Name Ian F. Burns & Associates

☒ Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17

2. ☒ Payment Enclosed:
- ☐ Check ☐ Money Order ☒ Other

### FEE CALCULATION

#### 1. BASIC FILING FEE

| Large Entity Code (\$) | Small Entity Code (\$) | Fee Description        | Fee Paid |
|------------------------|------------------------|------------------------|----------|
| 101 690                | 201 345                | Utility filing fee     | 370.00   |
| 106 310                | 206 155                | Design filing fee      |          |
| 107 480                | 207 240                | Plant filing fee       |          |
| 108 690                | 208 345                | Reissue filing fee     |          |
| 114 150                | 214 75                 | Provisional filing fee |          |

**SUBTOTAL (1)** (\$370.00)

#### 2. EXTRA CLAIM FEES

| Total Claims         | Extra Claims | Fee from below | Fee Paid |
|----------------------|--------------|----------------|----------|
| 25                   | -20** = 5    | 9.00           | 45.00    |
| Independent Claims 7 | -3** = 4     | 42.00          | 168.00   |
| Multiple Dependent   |              |                |          |

\*\*or number previously paid, if greater; For Reissues, see below

| Large Entity Code (\$) | Small Entity Code (\$) | Fee Description  |
|------------------------|------------------------|--|
| 103 18                 | 203 9                  | Claims in excess of 20                                     |
| 102 78                 | 202 39                 | Independent claims in excess of 3                          |
| 104 260                | 204 130                | Multiple dependent claim, if not paid                      |
| 109 78                 | 209 39                 | ** Reissue independent claims over original patent         |
| 110 18                 | 210 9                  | ** Reissue claims in excess of 20 and over original patent |

**SUBTOTAL (2)** (\$213.00)

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

| Large Entity Code (\$)    | Small Entity Code (\$) | Fee Description  | Fee Paid |
|---------------------------|------------------------|--|----------|
| 105 130                   | 205 65                 | Surcharge - late filing fee or oath  | 0.00     |
| 127 50                    | 227 25                 | Surcharge - late provisional filing fee or cover sheet                     |          |
| 139 130                   | 139 130                | Non-English specification  | 0.00     |
| 147 2,520                 | 147 2,520              | For filing a request for reexamination                                     | 0.00     |
| 112 920*                  | 112 920*               | Requesting publication of SIR prior to Examiner action                     | 0.00     |
| 113 1,840*                | 113 1,840*             | Requesting publication of SIR after Examiner action                        | 0.00     |
| 115 110                   | 215 55                 | Extension for reply within first month                                     | 0.00     |
| 116 380                   | 216 190                | Extension for reply within second month                                    | 0.00     |
| 117 870                   | 217 435                | Extension for reply within third month                                     | 0.00     |
| 118 1,360                 | 218 680                | Extension for reply within fourth month                                    | 0.00     |
| 128 1,850                 | 228 925                | Extension for reply within fifth month                                     | 0.00     |
| 119 300                   | 219 150                | Notice of Appeal   | 0.00     |
| 120 300                   | 220 150                | Filing a brief in support of an appeal                                     | 0.00     |
| 121 260                   | 221 130                | Request for oral hearing   | 0.00     |
| 138 1,510                 | 138 1,510              | Petition to institute a public use proceeding                              | 0.00     |
| 140 110                   | 240 55                 | Petition to revive - unavoidable   | 0.00     |
| 141 1,210                 | 241 605                | Petition to revive - unintentional   | 0.00     |
| 142 1,210                 | 242 605                | Utility issue fee (or reissue)   |          |
| 143 430                   | 243 215                | Design issue fee   |          |
| 144 580                   | 244 290                | Plant issue fee  |          |
| 122 130                   | 122 130                | Petitions to the Commissioner  | 0.00     |
| 123 50                    | 123 50                 | Petitions related to provisional applications                              |          |
| 126 240                   | 126 240                | Submission of Information Disclosure Stmt                                  | 0.00     |
| 581 40                    | 581 40                 | Recording each patent assignment per property (times number of properties) | 0.00     |
| 146 690                   | 246 345                | Filing a submission after final rejection (37 CFR § 1.129(a))              | 0.00     |
| 149 690                   | 249 345                | For each additional invention to be examined (37 CFR § 1.129(b))           | 0.00     |
| Other fee (specify) _____ |                        |  | 0.00     |
| Other fee (specify) _____ |                        |  | 0.00     |

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$)

### SUBMITTED BY

Name (Print/Type) Rolando J. Tong

Signature [Signature]

Registration No. (Attorney/Agent) 47,140

### Complete (if applicable)

Telephone 775-826-6160

Date 1/9/02

### WARNING:

Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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